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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,155	04/08/2004	Eric Justin Gould	MNKYP005B	1158

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FORTKORT GREYER & KELTON LLP
9442 N. Capital of Texas Hwy.
Arboretum Plaza One, Suite 500
AUSTIN, TX 78759

EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,155

Applicant(s)

GOULD ET AL.

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19 are pending in the present application.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,745,201 B2.

Although the conflicting claims are not identical, they are not patentably distinct from each other because omission of an element and its function is obvious if the function of the element is not desired *Ex parte Wu*, 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989).

Regarding claim 1, A method of navigating a collection of nodes [US Patent 6,745,201 B2 claim 1 lines 1-2], comprising the steps:

- (a) selecting a first node [note: US Patent 6,745,201 B2 claim 1 line 3];
- (b) generating a context list, each context including a second node with the second node essentially referencing the first node [note: US Patent 6,745,201 B2 claim 1 lines 4-6]; and
- (c) displaying the first node and the context list [note: US Patent 6,745,201 B2 claim 1 line 7].

4. Regarding claim 2, "wherein generating the context list comprises the steps of: querying for at least one context with the second node" [see: US Patent 6,745,201 B2 claim 1 lines 8-14].

5. Regarding claim 3, "wherein each of the nodes in the node collection further includes an address" [note: US Patent 6,745,201 B2 claim 2 lines 8-14].

6. Regarding claim 4, "wherein each context includes a resolution address and an attribute collection" [note: US Patent 6,745,201 B2 claim 3 lines 8-25].

7. Regarding claim 5, "further comprising maintaining the collection of the contexts" [note: US Patent 6,745,201 B2 claim 4 lines 1-3].

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8. Regarding claim 6, "wherein navigation of the plurality of context lines comprises the steps of: generating a shared node list from the relationship collection" [note: US Patent 6,745,201 B2 claim 5 lines 8-16].

9. Regarding claim 7, "wherein each context includes a node, wherein the context list, context and node from a hypergraph that is navigated by: selecting a first context list of the context lists" [note: claim 6 lines 8-15].

10. Regarding claim 8, "a code segment for selecting a first node; (b) a code segment for generating a context list, each context including a second node with the second node essentially referencing the first node" [note: claim 7 lines 1-8].

11. Regarding claims 9-14, "A computer program embodies on a computer readable medium for navigating a collection of nodes ... " [see: US Patent 6,745,201 B2 claim 7 lines 9-16; claim, 8 lines 9-17; claim 9 lines 9-28; claim 10 lines 1-4; claim 11 lines 10-20; and claim 12 lines 10-23].

12. Regarding claim 15, "A system for navigating a collection of nodes, comprising: (a) logic for selecting a first node; (b) logic for generating a context list" [note: US Patent 6,745,201 claim 13 lines 1-7].

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13. Regarding claims 16-18, "A system for navigating a collection of nodes as recited in claim 15..." [note: US Patent 6,745,201 B2 claim 13 lines 8-14; claim 14 lines 8-13; and claim 18 lines 8-17].

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1, 8, 15, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamp et al. US Patent 6,816,175 B1.

Regarding claim 1, Hamp et al. teaches a method of navigating a collection of nodes [note: abstract "The present invention relates to means and a method executing by a computer for navigation within a tree structure with leaf nodes representing arbitrary types of objects"], comprising the steps:

(a) selecting a first node [note: Orthogonal browser or GUI navigator col. 8 lines 234-35];

(b) generating a context list, each context including a second node with the second node essentially referencing the first node [note: Navigation by selecting an entry point col. 8 line 63 through col. 9 line 51; col. 11 lines 9-64]; and

(c) displaying the first node and the context list [node: Tree View Figure 12; col. 12 lines 10-12].

16. The limitations of claims 8 and 15 parallel method claim 1; therefore they are rejected under the same rationale.

17. Regarding claim 19, the limitations have been addressed in claim 1 above, therefore it is rejected under the same rationale.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lowrey US Patent 6,128,617

Bernhardt et al. US Patent 6,496,208 B1

Tabuchi US Patent 5,893,122

Lipkin US Patent 5,999,944

Lamping et al. US Patent 5,590,250

Lamping et al. US Patent 5,619,632


Kotchey US Patent 5,812,135

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Greta Robinson
Primary Examiner
September 25, 2006